

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LUCAS C. CHAMBERLAIN,

Plaintiff,

-v-

SPLASHLIGHT, LLC, MICHAELA KREBS, and BIJOU
SUMMERS,

Defendants.

CIVIL ACTION NO.: 23 Civ. 6318 (VEC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

This action has been referred, pursuant to 28 U.S.C. §§ 636(b)(1)(A)–(B), to Magistrate Judge Sarah L. Cave for general pretrial management, including scheduling discovery, non-dispositive pretrial motions, and settlement, and for report and recommendation on the motion to dismiss (ECF No. 16 (the “Motion”)) filed by Defendants Splashlight, LLC and Bijou Summers (together, the “Moving Defendants”). (ECF No. 24). All pretrial motions and applications, including those relating to scheduling and discovery (but excluding future motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Cave and in compliance with this Court’s Individual Practices, available on the Court’s website at <https://www.nysd.uscourts.gov/hon-sarah-l-cave>.

Having reviewed the docket, the Court orders as follows:

1. It appears that the Moving Defendants have not properly served the Motion on pro se Plaintiff Lucas Chamberlain (“Mr. Chamberlain”), who has not yet responded to the Motion. In a Certificate of Service filed with the Motion, the

Moving Defendants state that they served Mr. Chamberlain by “CM/ECF System.” (ECF No. 17). Mr. Chamberlain has not, however, filed written consent to receive electronic service. See Fed. R. Civ. P. 5(b)(2)(E) (allowing service of a document by “sending it to a registered user by filing it with the court's electronic-filing system or sending it by other electronic means that the person consented to in writing”). Accordingly:

- a. By **December 8, 2023**, the Moving Defendants shall serve the Motion on Mr. Chamberlain by appropriate means and file proof of service on the docket.
 - b. By **January 8, 2024**, Mr. Chamberlain shall file an opposition to the Motion.
 - c. By **January 15, 2024**, the Moving Defendants shall serve and file their reply, if any.
2. This action was referred for mediation to the Court’s Mediation Program. (ECF No. 5). Accordingly, the Moving Defendants and Mr. Chamberlain shall promptly meet and confer and, by **January 8, 2024**, file a joint letter regarding their efforts to schedule a mediation conference.

Mr. Chamberlain is advised that all letters and other communications with the Court from pro se parties must be submitted to the Pro Se Intake Unit, not directly to Chambers. The Pro Se Intake Unit is located in Room 105 in the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007, telephone (212) 805-0175. The staff of the Pro Se Intake Unit may assist pro se litigants in connection with Court procedures, but cannot and does not provide legal advice.

Mr. Chamberlain is further advised that he may choose to receive by email, instead of regular mail, documents filed in this case. If Mr. Chamberlain wishes to receive case information

by email, he must follow the instructions on the Consent and Registration Form, available on the website of the United States District Court for the Southern District of New York, <https://nysd.uscourts.gov/node/845>.

Mr. Chamberlain is further advised of his ability to seek free legal advice from the New York Legal Assistance Group's legal clinic by visiting its website at nylag.org/pro-se-clinic, or by calling 212- 659-6190. This clinic is not part of or run by the Court and it cannot accept filings on behalf of the Court.

The Moving Defendants shall promptly serve a copy of this Order on Mr. Chamberlain, and file proof of service by **December 8, 2023**.

The Clerk of the Court is respectfully directed to mail a copy of this order to Mr. Chamberlain.

Dated: New York, New York
December 7, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge